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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

WEIS, SAMUEL

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/051,353	Applicant(s) BLACK ET AL.	
	Examiner SETH WEIS	Art Unit 3695	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,9 and 24-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,9 and 24-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to Applicant's amendment filed 8 October 2008. Claims 1, 2, 6, and 9 were amended. Claims 1-6, 9, and 24-36 are pending and have been examined.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 6, 9, 24, 25, 29-30 and 32-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Freeny, Jr., U.S. Pat. No. 6,490,443 (hereinafter, Freeny).

As to claims 1, 6, and 9, Freeny discloses a method of operating a self service terminal and a self service terminal (abstract, Figs. 7, 10, 21) comprising: receiving wireless communication signals from a mobile computing device in the vicinity of the SST and engaging in communication with the device to detect one or more characteristics relating to device capabilities of the mobile computing device and user preferences of a user of the mobile computing device in the vicinity of an SST (abstract, Figs. 7, 10, 21, col. 17, line 35- col. 18, line 50, col. 33, lines 34-57);

Art Unit: 3695

configuring an SST user interface of the SST to accommodate detected device capabilities and user preferences configuration of the user interface of the SST including adapting information presented on a display screen of the SST based on device capabilities and .user preferences detected through communication with the mobile computing device (abstract, Figs. 7, 10, 21, col. 17, line 35- col. 18, line 50, col. 33, lines 34-57).

As to claim 2, Freeny discloses receiving those an additional device[s] within the vicinity of the SST but which do not belong to a user not currently interacting with the SST (abstract, Figs. 7, 10, 21, col. 17, line 35- col. 18, line 50, col. 33, lines 34-57);

As to claim 3, Freeny discloses determining the configuration of the SST user interface based on the detected characteristics of the additional device[s] .within the vicinity and which belongs to the user not currently interacting with the SST before that user begins to interact with the SST (abstract, Figs. 7, 10, 21, col. 17, line 35- col. 18, line 50, col. 33, lines 34-57);

As to claim 4, Freeny discloses ordering a plurality of determined configurations in accordance with the time that each detected device has been in the vicinity of the SST (abstract, Figs. 7, 10, 21, col. 17, line 35- col. 18, line 50, col. 33, lines 34-57);

As to claim 24, Freeny discloses wherein configuration of the SST user interface includes identifying a communication method used by the mobile computing device and communicating with the device to transmit information for display by the device and receive user inputs entered by the user through the device (abstract, Figs. 7, 10, 21, col. 17, line 35- col. 18, line 50, col. 33, lines 34-57);

As to claim 25, Freeny discloses detecting an additional mobile computing device belonging to a user not currently interacting with the SST and presenting that user with an option of conducting a transaction with the SST by way of communication using the mobile computing device (abstract, Figs. 7, 10, 21, col. 17, line 35- col. 18, line 50, col. 33, lines 34-57);

As to claims 29 and 30, Freeny discloses communicating with the mobile computing device through secure infrared communication and Bluetooth communication (col. 38, lines 25-33);

As to claim 32, Freeny discloses wherein configuring the SST user interface includes adapting the user interface to select screens and options presented to the user at the beginning of an interaction, the selection being based on stored user preferences (abstract, Figs. 7, 10, 21, col. 17, line 35- col. 18, line 50, col. 33, lines 34-57);

As to claim 33, Freeny discloses reading an identification device presented at an identification device reader of the SST and receiving an authentication input by the user (abstract, Figs. 7, 10, 21, col. 17, line 35- col. 18, line 50, col. 33, lines 34-57);

As to claim 34, Freeny discloses wherein the identification device is an identification card bearing encoded information readable by a card reader of the SST (abstract, Figs. 7, 10, 21, col. 17, line 35- col. 18, line 50, col. 33, lines 34-57);

As to claim 35, Freeny discloses wherein the SST is an automated teller machine and wherein the configurable user interface includes a user identification device reader (abstract, Figs. 7, 10, 21, col. 17, line 35- col. 18, line 50, col. 33, lines 34-57);

Art Unit: 3695

As to claim 36, Freeny discloses a currency dispenser for dispensing currency (col. 37, lines 48-56).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Freeny, Jr., U.S. Pat. No. 6,490,443 (hereinafter, Freeny), in view of Drummond et al., U.S. Pat. No. 7,080,036 (hereinafter, Drummond).

As to claim 5, Freeny does not explicitly disclose displaying advertisements or other information selected according to the detected characteristics of a mobile device

However, Drummond teaches an automated banking machine and development method that includes selectively advertising information to customers (col. 18, line 50- col. 19, line 25). It would have been obvious to combine Drummond and Freeny to provide customers with notifications of services offered in order to produce more revenue.

6. Claims 26-28 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeny, Jr., U.S. Pat. No. 6,490,443 (hereinafter, Freeny), in view of Drummond et al., U.S. Pat. No. 7,080,036 (hereinafter, Drummond) in view of Zalewski et al., U.S. Pat. No. 7,155,199 (hereinafter, Zalewski).

Art Unit: 3695

As to claims 26, 27, and 31, Freeny does not explicitly disclose: transmitting advertising material to mobile computing devices of users not currently interacting with the SST; wherein the advertising material includes a notification of remote banking services available through the users' mobile computing devices; wherein configuring the SST user interface includes communicating with the user through a short message service facility.

However, Zalewski teaches a system and method of making payments using a mobile computing device with embedded transponder that utilizes short message services (col. 11, lines 46-66 and col. 15, lines 1-32). Zalewski teaches using SMS as a communication method between a mobile computing device and a self service terminal in order to notify and transmit information regarding goods and services available. It would have been obvious to combine Zalewski and Freeny and Drummond to transmit potential goods and services available to customers (like banking services) in order to produce more revenue.

As to claim 28, Freeny discloses receiving details of a requested transaction from a user not currently interacting with the SST and presenting said user with an option of completing the requested transaction when the user approaches the SST to begin the interaction (abstract, Figs. 7, 10, 21, col. 17, line 35- col. 18, line 50, col. 33, lines 34-57).

Examiner's Note: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire

Art Unit: 3695

reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Response to Arguments

7. Applicant's arguments filed 8 October 2008 have been fully considered but they are not persuasive. Applicant argues that base reference Freeny does not disclose the amended limitation in independent claims 1, 6, and 9: "configuration of the user interface of the SST including adapting information presented on a display screen of the SST based on device capabilities and user preferences detected through communication with the mobile computing device." This limitation is very broad, especially since Applicant does not define what "adapting" means in the specification. An example of a device capability is the connection frequency of the mobile device [Applicant's ¶0010-11]. This is disclosed in at least Fig. 10 of Freeny. An example of a user's preference is a PIN number for an ATM card [¶0002], which is disclosed by Freeny (col. 17, line 35- col. 18, line 50, col. 33, lines 34-57). Therefore, when a user in Freeny connects to ATM proximity system with his mobile device as shown in Figs. 7, 10, and the abstract, the limitation at issue is disclosed. Also, the user in Freeny would not be able to conduct a transaction without first connecting and then verifying user information.

Applicant further argues limitations that are not in the claims: "Such adaptation ... relating to a transaction." These arguments will not be rebutted because the Applicant is reading narrowing limitations into the independent claims which are not recited.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **SETH WEIS** whose telephone number is (571)272-1882. The examiner can normally be reached on 8:30 to 5, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Kyle can be reached on (571) 272-6746. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3695

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SETH WEIS/
Examiner, Art Unit 3695

/Charles R. Kyle/
Supervisory Patent Examiner, Art Unit 3695